THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

ANNUAL REVIEW OF THE BUDGETS OF THE INDEPENDENT OFFICES OF THE LEGISLATIVE ASSEMBLY

SELECT STANDING COMMITTEE ON
FINANCE AND GOVERNMENT SERVICES

SECOND REPORT
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December 20, 2007

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Second Report of the Select Standing Committee on Finance and Government Services.

The Second Report covers the work of the committee related to its annual review of the budgetary estimates for the independent offices of the Legislative Assembly.

Respectfully submitted on behalf of the Committee,

Bill Bennett, MLA
Chair

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Composition of the Committee

Members

Bill Bennett, MLA	Chair	East Kootenay
Bruce Ralston, MLA	Deputy Chair	Surrey-Whalley
Iain Black, MLA		Port Moody-Westwood
Harry Bloy, MLA		Burquitlam
Randy Hawes, MLA		Maple Ridge-Mission
Dave S. Hayer, MLA		Surrey-Tynehead
John Horgan, MLA		Malahat-Juan de Fuca
Jenny Wai Ching Kwan, MLA		Vancouver-Mount Pleasant
Richard T. Lee, MLA		Burnaby North
Bob Simpson, MLA		Cariboo North

Clerk to the Committee

Craig James, Clerk Assistant and Clerk of Committees

Committee Researchers

Josie Schofield, Committee Research Analyst

Jeremy Wood, Committee Researcher

TERMS OF REFERENCE

On April 19, 2007, the Legislative Assembly agreed that the Select Standing Committee on Finance and Government Services be empowered:

2. a) To consider and made recommendations on the annual reports, rolling three-year service plans and budgets of the following statutory officers:

   i) Auditor General

   ii) Chief Electoral Officer

   iii) Conflict of Interest Commissioner

   iv) Information and Privacy Commissioner

   v) Merit Commissioner

   vi) Ombudsman

   vii) Police Complaint Commissioner

   viii) Representative for Children and Youth; and,

   b) To examine, inquire into and make recommendations with respect to other matters brought to the Committee's attention by any of the Officers listed in 2(a) above.

3. That the Select Standing Committee on Finance and Government Services be the committee referred to in sections 19, 20, 21 and 23 of the *Auditor General Act* and that the performance report in section 22 of the *Auditor General Act* be referred to the committee.

In addition to the powers previously conferred upon the Select Standing Committee on Finance and Government Services, the committee shall be empowered:

(a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;

(b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;

(c) to adjourn from place to place as may be convenient; and

(d) to retain personnel as required to assist the Committee,

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

COMMITTEE PROCESS

To conduct its seventh annual review of the budgets of the independent offices of the Legislative Assembly, the Select Standing Committee on Finance and Government Services (the Finance Committee) held four public meetings in Victoria on November 26, 28 and 29; and December 14, 2007. At each meeting, following the statutory officers' presentations, committee members engaged in deliberations on the content of their report to be presented to the House.

SCHEDULE OF MEETINGS

November 26, 2007	Auditor General
	Conflict of Interest Commissioner
	Information and Privacy Commissioner
	Deliberations
November 28, 2007	Merit Commissioner
	Police Complaint Commissioner
	Ombudsman
	Deliberations
November 29, 2007	Chief Electoral Officer
	Representative for Children and Youth
	Deliberations
December 14, 2007	Representative for Children and Youth
	Deliberations

At the first two meetings, the Finance Committee heard successive accolades in praise of Lanny Hubbard, Director of Corporate Services for the Office of the Ombudsman, from each of the four independent officers of the Legislature who share a variety of services — the Information and Privacy Commissioner, the Merit Commissioner, the Police Complaint Commissioner and the Ombudsman. Described as "directeur extraordinaire" and "irreplaceable," Mr. Hubbard has recently completed 35 years of public service and plans to retire soon. Since the start of fiscal 2004, he has been responsible for creating and administering the "shared services budget" for the four independent offices. At the November 28 meeting, the Chair also acknowledged Mr. Hubbard's contribution on behalf of the Finance Committee.

Minutes and transcripts of the public meetings, as well as an electronic copy of this report, are available through the Finance Committee's website at: www.leg.bc.ca/cmt/38thparl/session-3/fgs/index.htm.

OFFICE OF THE AUDITOR GENERAL

"Today I am presenting my estimate of my office's resource needs for the next few years. The bottom line is that the office needs $15.25 million for 2008/09." (John Doyle, Auditor General)

BACKGROUND

The Office of the Auditor General (OAG) is the largest of the independent offices of the Legislative Assembly of British Columbia in terms of both budget and staff. The appropriation for the office's operating expense and capital expenditures is provided for in Vote 2 of the annual *Estimates*. Last year, the Finance Committee recommended an increase in the OAG operating budget to $10.35 million for 2007/08 and the next two fiscal years, and proposed that the office's annual capital budget be $160,000 in 2007/08 and then $150,000 in 2008/09 and $130,000 in 2009/10.

In addition to the annual appropriation for operating expense and capital expenditures, the OAG can charge fees, on a cost-recovery basis, for providing financial statement audit services external to government ministries. For 2007/08, the fees are estimated to be $2.4 million.

COMMITTEE REVIEW

On November 26, 2007, the Finance Committee met to review the office's estimate of resources for 2008/09. Representing the OAG were John Doyle, B.C.'s new Auditor General, who assumed the position on October 29; and Errol Price, Deputy Auditor General.

The Auditor General began his presentation by reporting that he is still in the process of assessing the structure of the office and how it goes about its work. He anticipated that this process will be completed in the spring of 2008 and will include detailed planning for the next cycle of financial statement audit coverage plans and required resources.

For the upcoming cycle, the Auditor General stated that he has adopted a steady-as-we-go approach that acknowledges previous planning work and commitments. There are, however, two proposed changes to the previously endorsed funding model: the first is linked to the independence of the office, and the second to the maintenance of the office's capacity to conduct work.

Re independence-linked funding arrangements, the Auditor General pointed out that the B.C. *Auditor General Act* permits the office to charge fees; however, the generation of funds by invoicing agencies is not a normal practice in Canada. Most audit offices have their full funding provided by appropriation since they are the auditors for the Legislative Assembly and have no other client, other than the citizens of the province. For this reason, the Auditor General requested that in the future, his office be funded entirely by appropriation.

The Auditor General then stated that while he fully supports the concept of each organization within the government reporting entity meeting the cost of audit work, this does not have to be achieved by the issuance of an invoice by his office — instead, government could do the direct billing to recover the cost of the financial audit work undertaken by the OAG. To assist, his office intends to nurture a robust costing model that will identify the cost of audit activity within it and the actual cost of each engagement. The model would be used to test efficiency and compare internal costs to work conducted by others providing assurance services — in order to be able to demonstrate that the office is cost effective in all its future work.

Re the capacity challenge, the Auditor General reported that the OAG has experienced a 20-percent turnover of staff this year, compared to the average for the public sector of about 4 to 5 percent. Presently, the OAG pays too little to retain or attract staff, even when compared to other legislative audit offices. Therefore, from the Auditor General's perspective, it is critical that the office maintains its capacity to grow staff, has the right mix of junior people, senior managers and above. The office also needs to retain the culture of innovation and professionalism so that it can be responsive to the changes in all the rules of accounting and auditing coming over the next few years.

In order to maintain the office's international reputation, the Auditor General predicted that in the early days of his term, difficult times lay ahead. He emphasized that this is not the normal "I want to create a crisis because I need more money" type of scenario. Rather, in his previous position as Deputy Auditor General of Western Australia, he had seen and survived the changes to the international financial reporting standards and the fundamental shifts that occur within accounting and auditing across the public sector. The office also has to be responsive to the challenging program for transparency and accountability set by the B.C. government, and meet the growing expectations for assurance work that is relevant to both legislators and citizens. These goals can be achieved, but only if the office is set up to succeed.

Funding Request

Turning to the OAG budget, the Auditor General reported that this year the office has access to an envelope of money totalling $12.75 million ($10.35 million appropriation plus fees of $2.4 million). He requested a similar level of funding in 2008/09, brought up to current price levels — in other words, inclusive of pay increases and price rises — and including the planned increase of six FTEs. Together, this would bring the base operating budget to $13.75 million for 2008/09.

Since the external pressures that face the office and the profession are unstable, the Auditor General requested an additional $1.5 million to provide him with the ability to attract and retain qualified staff to conduct the work of the office. This lift would enable the Auditor General to adjust the compensation arrangements of existing and future staff.

For 2008/09, the total amount requested is $15.25 million. The proposed changes in the budget for operating expense include the planned increase in staffing levels plus pay awards. A modest reduction in the capital estimates is planned for 2008/09 ($150,000) and then increases are proposed for the next two fiscal years — $250,000 for 2009/10 and $200,000 for 2010/11.

MEMBERS' INQUIRY

The committee inquiry focused on: the proposed new funding model and the staffing challenge. Members also asked about the graduation rates of accounting students and the reliability of the estimate for audit fees.

New Funding Model

Members sought clarification on the proposed funding model — in particular, whether they were correct in assuming that if all of the office funding was provided through appropriation, the office would keep track of its costs for financial statement audits, present a statement of costs to the Ministry of Finance that, in turn, would bill the entity audited by the OAG.

In response, the Auditor General reiterated his intention to develop a robust costing structure within the office so that he could identify the actual cost, with overheads, for all engagements the office undertakes — including both the financial statement audit work and the performance audit work. The ability to fully cost

all the office's lines of work would enable him to give an exact answer if Members were to ask at any point, "How much did this report cost?"

In a follow-up question, one committee member sought assurance from the Auditor General that the entities that are audited on a fee-for-service basis — for example, most school boards hire private auditors — would pay the equivalent of market rates for those audits. Presumably, this would require the OAG supplying information that would allow the Ministry of Finance to present a bill that would stand the test of fairness in comparison to market rates. In response, the Auditor explained that the office would provide information about costs and market rates to government, leaving the ministry to decide how much the invoice would be.

Members also speculated on how the new funding model might affect the office's request for an additional $1.5 million for staff compensation. They suggested that if a school board were to hire a private sector accounting firm, the auditors working within that firm may even be staff lured away from the OAG because they're being paid more money. As that higher level of pay would be built into the price paid by the entity that hired them, some of the $1.5 million "ask" could be offset with the new billing structure, so government could recover much of the "ask" via invoicing.

In response, the Auditor General explained that under the new funding model, the office would still need the "right" appropriation, but the net cost to the system could be lower because of the charging of market-based audit fees. He anticipated that over time, as the changes to the international financial reporting standards come in, audit fees and the costs of doing the accounting within agencies would likely increase dramatically — in Australia, for example, the price rises impacting the profession were anywhere between 30 and 40 percent of the base cost.

Staffing Challenge

The second theme of the committee members' inquiry focused on the recruitment and retention challenge facing the OAG and, in particular, how the Auditor General proposes to allocate the additional $1.5 million for staff compensation. In response, the Auditor General reported that there are three different areas of pressure. First, there are the young employees that join the office while training to be chartered accountants and then leave as soon as they qualify, attracted by significant pay increases elsewhere. Second, there are senior staff members with knowledge, skill and experience in audit work who are on the verge of retirement, and so the office is faced with a considerable loss of corporate memory. Third, there are mid-tier employees who need to be retained and to be given the opportunity for growth and professional development. To tackle these pressures, the office is currently looking at a retention strategy, including flexible work arrangements for retirees.

On a related matter, the Chair of the Finance Committee asked for clarification about the $1 million allocated for the six new FTEs (table 1, page 3). He learned that the office plans to hire one more technical person and five others to work in the performance audit area. The balancing figure is for salary increases for regular staff and contractors and for inflation.

Conclusions and Recommendations

The Committee is supportive of the new funding model for the office so long as the significant increase in the OAG appropriation can be offset by the payment of market-based audit fees recovered from government organizations, via invoices submitted by the Ministry of Finance.

Anticipating that the new funding model will be implemented in the upcoming fiscal year, the Committee believes it is no longer necessary to approve the basis on which the Auditor General may charge fees, pursuant to section 20 of the *Auditor General Act*.

The Committee recommends that:

- **the annual gross budget for the operating expense of the Office of the Auditor General be increased to $15,250,000 in 2008/09, which includes an estimated $2.4 million in external recoveries;**
- **the Office's annual gross budget be set at $16,000,000 in 2009/10 and $16,520,000 in 2010/11 for financial planning purposes;**
- **the Office of the Auditor General receive a capital budget of $150,000 in 2008/09, with capital expenditures set at $250,000 in 2009/10 and $200,000 in 2010/11 for financial planning purposes.**

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER

"Once again, this year I expect to come in well under my budget; however that is predicated on the assumption that the duties of this office will continue to be a half-time function. I haven't operated on a half-time basis for years, substantially more. However, that may just be because I am a slow worker."
(H.A.D. Oliver, QC, Conflict of Interest Commissioner)

BACKGROUND

The independent Office of the Conflict of Interest Commissioner has the smallest budget of all the independent offices of the Legislative Assembly. The current Commissioner performs his duties on a part-time basis, with the assistance of two FTEs. The appropriation for the operating expense of the office is provided for in Vote 3 of the annual *Estimates*. Last year, the Finance Committee set the annual operating budget at $322,000 for the next three fiscal years.

COMMITTEE REVIEW

On November 26, 2007, the Finance Committee met to review the office's budget projections for the next three fiscal years. Representing the office was H.A.D. Oliver, QC, the province's Conflict of Interest Commissioner, who will retire at the end of this year.

The Conflict of Interest Commissioner began his presentation by describing his appearance before the Committee as his "swan song." He explained that the current budget projections for his office were predicated on the assumption that the duties of the position would continue on a part-time basis and so he was not requesting any increase for 2008/09. However, if his "cloudy crystal ball" is accurate, the new commissioner may be required to perform certain additional duties in the future.

At the conclusion of his short presentation, the Commissioner was asked to reflect on the time he has spent in the position, practicing his "political preventive medicine." In response, he outlined some amendments to the *Members' Conflict of Interest Act* he has been calling for in recent years. The proposed changes include: altering the "negative ring" of the title of the Act and the position; increasing the maximum penalty for breach of the Act; disclosing amounts invested in the Member's confidential statement; and excluding the Commissioner's office from the purview of the *Freedom of Information and Protection of Privacy Act*, to protect confidentiality.

The Chair then formally thanked Mr. Oliver on behalf of the Committee for his years of service to the province and to the elected officials serving in the Legislative Assembly.

CONCLUSION AND RECOMMENDATION

With Mr. Oliver's impending retirement, the Committee believes it is important to facilitate a smooth transition for his successor, Paul Fraser, QC who assumes the position on January 1, 2008. Therefore we have decided to amend the office's budget proposal to reflect the fact that the existing duties of the position can no longer be performed on a part-time basis, and to provide the new Commissioner with the option of qualifying for a pension. We propose that the salary be equivalent to a 0.75 FTE position and the benefits package be similar to that of other independent officers.

The Committee recommends that:

- **the annual appropriation for the operating expense of the Office of the Conflict of Interest Commissioner be increased to $384,000 in each of the next three fiscal years.**

ELECTIONS BC

> *"Elections BC is asking for a modest increase to our ongoing operating budget for next fiscal year, and that request exactly matches the figure we indicated for 2008/09 in our three-year rolling budget projection provided this time last year to this committee.... [However] because we are involved with the final preparations, and at least partial conduct, of four major electoral events in the next fiscal year, our event-related budget requirements are quite significant in 2008/09."* (Harry Neufeld, Chief Electoral Officer)

BACKGROUND

Established as an independent office in 1996, Elections BC is responsible for conducting and managing the electoral process within the province. The appropriation for the office's operating expense and capital expenditures are provided for in Vote 4 of the annual *Estimates*. Last year, the Finance Committee recommended that the total operating budget for the office be $8.962 million in 2007/08, with $7.323 million allocated for ongoing expenses and $1.639 million for event-related funding. For financial planning purposes, the Committee anticipated that the budget for ongoing expenses would be $7.659 million in 2008/09 and $7.725 million in 2009/10, and that capital expenditures would increase from $1.128 million in 2007/08 to $1.518 million in each of the next two fiscal years.

COMMITTEE REVIEW

On November 29, 2007, the Finance Committee met to review the office's budget proposal for the next three fiscal years. Representing Elections BC were Harry Neufeld, the province's Chief Electoral Officer; Linda Johnson, Deputy Chief Electoral Officer; and Nola Western, Director of Electoral Finance and Corporate Administration.

The Chief Electoral Officer began his presentation by reviewing the three separate components of the office's budget proposal: the annual operating budget, the annual capital budget, and next year's portion of a multi-year electoral events budget. For 2008/09, his office was requesting a planned modest increase of $336,000 in the budget for ongoing operating costs (to $7.659 million) and a much smaller capital budget of $304,000 than anticipated last year. Elections BC would also require $11.16 million to cover the costs related to the following four scheduled electoral events: the electoral boundary redistribution, the enumeration of voters, and the 39th provincial general election and referendum on electoral reform, both of which will take place on May 12, 2009.

The Director of Electoral Finance then explained that while the $7.659 million requested for next year's ongoing operating costs is the same as the amount recommended by the Committee last year, some of the dollar amounts for individual line items (listed on p. 2) have changed. The costs related to maintaining the voters list will see the most significant increase in the next fiscal year, as updates and new registrations will need to be processed after the fall 2008 municipal elections.

Regarding ongoing operating costs in 2009/10, Elections BC anticipates an increase of over $700,000 related to replacement of office computers and software, and a $300,000 increase for event readiness, due to updates and tests of the recall and initiative verification system for new electoral districts. With regard to total expenses for 2010/11 ($8.678 million), the Director of Electoral Finance stated that the numbers should be considered "soft" because the outcome of the referendum on electoral reform in 2009 could have a significant impact.

Turning to event-related funding, the Deputy Chief Electoral Officer informed the Committee that in addition to the possibility of having to integrate new electoral boundaries into the office's databases in 2008/09, Elections BC must also update the province's voting areas. She reported that $2.142 million would be required for this work. Additional event-related costs in 2008/09 include: $2.828 million for voter enumeration; $5.897 million in preparation for the 2009 general election; and $297,000 associated with the referendum.

At the end of the presentation, the Chair congratulated Elections BC on a "well-organized and understandable" presentation that would "make a good model for other statutory officers." These comments were echoed by other committee members too.

Members' Inquiry

The committee inquiry focused on the potential impact of the decisions of the Electoral Boundaries Commission on the office workload, and the voters list. Members also asked for clarification about the population of voting areas; office expenses and telecommunications costs for 2008/09; the planned increase in the office's 2010/11 budget; building occupancy charges for 2006/07; expenses related to the original timing of the STV referendum; and the cost variations for the STV legislative framework in 2007/08 and 2008/09.

Electoral Boundaries Commission (EBC)

In light of the developments since the EBC released its preliminary report in August 2007, committee members asked about the consequences for Elections BC if the electoral district boundaries redistribution does not take place or it is delayed. Members were particularly interested in the impact on the request for $2.142 million for boundary redistribution in 2008/09 and the effect on the office's deadlines.

In response, the Chief Electoral Officer — one of the three commissioners serving on the independent EBC – stated that if no boundary redistribution takes place, his office will still need to conduct a voting area redistribution, which would require a large component of the $2.142 million. He added that, although the February 15 deadline for the boundary commission to deliver its final report is "going to be a challenge," Elections BC will still be able to carry out its work with regard to new electoral boundaries so long as they receive royal assent by the end of June 2008.

Since the EBC mandate also includes proposing electoral boundaries for the STV electoral system, committee members asked what the impact might be on the 2009 STV referendum if the Commission's final report is not approved by the Legislative Assembly. The Deputy Chief Electoral Officer explained that the STV boundaries recommended in the EBC final report would become the reference point for voters in the referendum, regardless of any decision by the Legislative Assembly. She then added that if the referendum passes, the Legislative Assembly will have to decide what boundaries to put in place to support the STV electoral system.

Members also asked the Chief Electoral Officer to explain how the EBC determines population of electoral districts in its work to configure electoral boundaries. He explained that the Commission uses population figures available from Statistics Canada through BC Stats. He added that no adjustments were made to the data from the 2006 census to compensate for census undercount, as that information is not available yet.

Voters List

Another theme of the committee inquiry focused on the updating and maintenance of the voters list. Members asked how Elections BC ensures that the information on the voters list is current and accurate. The

Deputy Chief Electoral Officer reported to the Committee that, as a result of working closely with Elections Canada and obtaining licence and insurance updates from ICBC, Elections BC has access to about 90 percent of eligible voters in the province. In addition, she stated that the office will obtain updates from the municipal elections in fall 2008. In a response to a follow-up question, the Chief Electoral Officer encouraged Members to purchase an electronic version of the voters list, review it and then notify Elections BC of any quality issues or concerns they might have.

Conclusion and Recommendations

The Committee commends Elections BC for staying on track with its ongoing operating budget and recognizes the challenges faced by the office in planning for upcoming electoral events.

The Committee recommends that:

- **the total budget for the operating expense of Elections BC be $18,823,000 in 2008/09, with $7,659,000 allocated for ongoing costs and $11,164,000 for event-related funding;**
- **the Office's budget for ongoing operating costs be set at $8,927,000 in 2009/10 and $8,678,000 in 2010/11 for financial planning purposes;**
- **the capital expenditures for Elections BC be $304,000 in 2008/09 and set at $1,393,000 in 2009/10 and $5,250,000 in 2010/11 for financial planning purposes.**

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

> *"We need to be in a position to provide high-quality, timely services in ensuring that the three pieces of legislation we oversee and enforce are respected and properly implemented. To do so, the proposed funding adds modestly to our front-line service delivery personnel and one clerical support position for the entire office."* (David Loukidelis, Information and Privacy Commissioner)

BACKGROUND

First established in 1993, the independent Office of the Information and Privacy Commissioner (OIPC) monitors and enforces the following legislation: the *Freedom of Information and Protection of Privacy Act* (FIPPA), the *Personal Information Protection Act* (PIPA), and the *Lobbyists Registration Act*. The office has a staff complement of 19 FTEs.

The operating budget and capital funding for the OIPC are provided for in Vote 5 of the annual *Estimates*. Last year, the Finance Committee recommended that the office's operating budget be $2.952 million in 2007/08 and $2.927 million in each of the next two fiscal years. The Committee also set the capital budget at $60,000 in 2007/08, and $35,000 in each of the next two fiscal years.

COMMITTEE REVIEW

On November 26, 2007, the Finance Committee met to review the OIPC budget submission for the next three fiscal years. Representing the Office were David Loukidelis, the province's Information and Privacy Commissioner, and Lanny Hubbard, Director of Corporate Services.

The Information and Privacy Commissioner began his presentation with a brief overview of the office's operations in its three business areas. He reported that under PIPA, the private sector privacy law, the workload has stayed stable.

Turning to FIPPA, the public sector access and privacy law, the Commissioner reported that the backlog of cases has been reduced this year to 152 files (from 189), as a result of the funding for two temporary portfolio officers approved last year. The office has opened 1,457 files between April and October, compared to 1,303 files during the same period last year. Also, this year, largely as a result of the deemed refusal policy, the office anticipates receiving some 385 requests by public bodies for more time to respond to access-to-information requests – an increase of 37 percent over the last fiscal year and 63 percent over 2005/06.

Funding Request

Turning to the details of this year's OIPC budget submission, the Commissioner asked the Committee to consider a $651,000 increase in the 2008/09 operating budget (to $3.603 million) and a capital budget of $60,000. In each of the next two fiscal years, the Commissioner anticipates the funding requests will be lower for both the operational and capital budgets ($3.453 million and $45,000, respectively).

Regarding the proposed increase for 2008/09 ($651,000), the Commissioner reported that 28 percent ($182,000) is the direct result of salary increases and associated benefit costs that are beyond the office's control. A further 13 percent ($86,000) is for estimated increases in operating costs and taxes charged on office space, and 13 percent ($85,000) is for the shared administrative services provided by the Office of the Ombudsman.

Part of the balance ($148,000) will allow the OIPC to modestly increase its current staffing level to meet demands for services. The Commissioner explained that in order to help reduce the office workload, he seeks to make permanent the two temporary portfolio-officer positions, hire one new intake officer and one administrative support person, and retain a part-time adjudicator for another year to hear appeals under FIPPA and PIPA and write decisions.

The OIPC budget proposal also includes a request for one-time funding of $150,000 in next year's operating budget to redesign and rebuild from scratch the lobbyist registry computer system, which continues to be hosted and run by the Ministry of Attorney General (MAG). From the Commissioner's perspective, the system can only be rebuilt if the Finance Committee recommends the funding sought, otherwise the system will probably have to lurch along in its present state.

Members' Inquiry

The committee inquiry focused on the OIPC request for funding to rebuild the lobbyist registry system. Members also asked for clarification of the difference between planned and proposed capital expenditures and on the proposed increase in STOB 60 (contract services) for 2008/09.

Lobbyist Registry System

Members asked the Commissioner to clarify how any potential cost overruns over and above the $150,000 estimate for rebuilding the lobbyist registry system would be dealt with. The Commissioner reported that he would be sending a letter to senior officials in both MAG and the Ministry of Labour and Citizens' Services to confirm what he had raised in previous discussions with them — namely, that any costs beyond the $150,000 estimate will not be borne by the OIPC. He then informed committee members that they would receive a copy of the letter.

Members also inquired about the relationship the OIPC would have with the two ministries, if and when the new system is developed. The Commissioner reported that the working relationship with government officials has been "very good" to date, and the project's agreed start date is April 2008. The OIPC plans to participate in the procurement process and in the decision with regard to who will design the system; the MAG would host and maintain the system on its hardware, as the OIPC does not have the required technical expertise.

Conclusions and Recommendations

The Finance Committee believes that it is important that the Office of the Information and Privacy Commissioner has adequate resources to handle its complex caseload and so endorses the request for additional staff. In addition, we are sympathetic to the request for one-time funding in next year's operating budget to rebuild the lobbyist registry system, with the proviso that if the project's actual costs exceed the $150,000 estimate, government would be responsible for any overrun.

The Committee recommends that:

- **the annual appropriation for the operation of the Office of the Information and Privacy Commissioner be increased to $3,603,000 in 2008/09;**
- **the Office's annual operating budget be set at $3,453,000 in 2009/10 and in 2010/11 for financial planning purposes;**
- **the Office of the Information and Privacy Commissioner receive an annual capital budget of $60,000 in 2008/09, and then $45,000 in each of the next two fiscal years.**

OFFICE OF THE MERIT COMMISSIONER

> *"I am requesting that the present funding level be slightly increased by $60,000 so that I can implement the priorities of robust and meaningful audits that I have outlined as necessary for this office to exercise independent oversight of merit-based staffing."* (Joy Illington, Merit Commissioner)

BACKGROUND

Established in 2005, the new independent Office of the Merit Commissioner (OMC) monitors appointments to, and from within, the B.C. public service. Under the *Public Service Act*, the Merit Commissioner is responsible for providing oversight of the application of the merit principle in the recruitment and selection process for positions in the public service. The Commissioner carries out her duties on a part-time basis, assisted by three FTEs.

The appropriation for the salaries, benefits and expenses for the operation of the OMC are provided for in Vote 6 of the annual Estimates. Last year, the Finance Committee recommended that the office's budget for operating expense be $833,000 in 2007/08 and $813,000 in the next two fiscal years. The Committee anticipated that the annual capital budget would be $25,000.

COMMITTEE REVIEW

On November 28, 2007, the Finance Committee met to review the OMC's budget submission for the next three fiscal years. Representing the Office were Joy Illington, the province's Merit Commissioner and Lanny Hubbard, Director of Corporate Services.

The Merit Commissioner began her presentation by describing the changes in the B.C. public service related to the increasing volume of work of her office. She reported that faced with looming retirements, public service recruitment is on the rise. In the first six months of 2007, almost as many people were hired as in the whole of 2005. The Commissioner added that, as the public service replaces those who are leaving, she expects the volume of new appointments will continue to rise.

The Merit Commissioner then summarized the results of the OMC random audit of merit-based appointments in 2006. She reported that a special audit of all direct appointments – those made without any competition – would be completed in late January 2008.

Turning to the future work plan, the office is planning two special audits — one will review temporary appointments in 2008/09, and the other scheduled for 2009/10 will focus on those ministries, identified in the annual work environment survey, where employees have concerns about the criteria used for appointments. The Commissioner also reported that the case tracking system will enable the office to decide by 2010/11 whether the risk assessment process it uses to select audits needs to be changed.

Funding Request

The Commissioner concluded her presentation by requesting that the Committee consider increasing her existing budget by $60,000 (to $893,000) to enable her to implement the office's work plan over the coming years. The proposed lift would provide for a new full-time clerical position (STOB 50), an increase in the budget for contractors conducting audits (STOB 60), and a rent increase (STOB 59).

After explaining that he was not a member of the Finance Committee last session, the Chair asked the Merit Commissioner to clarify why she was now requesting a higher operating budget for 2008/09 than planned for last year. The Commissioner explained that when she presented her office's first budget submission in December 2006, she had not anticipated that the volume of new public-service appointments would rise so quickly.

In response to a follow-up question, the Commissioner clarified that the office's existing budget ($833,000) was used as the baseline for requesting $60,000 in additional resources.

Conclusion and Recommendations

The Committee supports the Merit Commissioner's modest request for more resources to enhance the office's operation.

The Committee recommends that:

- **the annual appropriation for the operation of the Office of the Merit Commissioner be increased to $893,000 in each of the next three fiscal years;**
- **the Office receive an annual budget of $25,000 for capital expenditures in each of the next three fiscal years.**

OFFICE OF THE OMBUDSMAN

"Option 1 is really a short-term consolidation and maintenance package that puts a little more emphasis on outreach education and communication...." (Kim Carter, Ombudsman)

BACKGROUND

The independent Office of the Ombudsman has two core business areas: investigation of individual complaints about administrative unfairness and general oversight of the administrative actions of over 2,800 public authorities. The operating budget and capital funding for the office are provided for in Vote 7 of the annual *Estimates*. Last year, the Finance Committee recommended increasing the office's base operating budget to $4.214 million for the next three fiscal years. It set the capital budget at $110,000 for 2007/08 and then planned for $65,000 in each of the next two fiscal years.

COMMITTEE REVIEW

On November 28, 2007, the Finance Committee met to review the budget submission of the Office of the Ombudsman for the next three fiscal years. Representing the office were Kim Carter, the province's Ombudsman and Lanny Hubbard, Director of Corporate Services.

The Ombudsman began her presentation by explaining that the office has gone through different phases since it was first established in 1979, and it is currently in an upswing phase. In 2007, for the first time in five years, there has been a 10-percent increase in the number of inquiries and complaints. This intake of 7,100 files includes complaints from schools, universities, colleges and hospitals that were previously relegated to the holding queue. The Ombudsman then described four cases to illustrate the different types of complaints her office deals with.

Next, the Ombudsman reported on the office's goals for the next three years. These include: an early resolution team, a multilingual outreach capacity; more relationships with social service agencies, more interaction with and accessibility to public authorities; and the production of four systemic reports — in addition to the ones completed this year on the victims of crime program and the B.C. Lottery Corporation.

Funding Request

To achieve the office's goals, the Ombudsman presented three funding options, each building upon the resources of the one already presented. All of the options include a request for two additional FTEs to fill shared-services positions (SSPs) and compensation for the increased costs of providing shared services to four independent offices. Currently, of the 40 positions in the Ombudsman's office 11 are SSPs and 29 are Ombudsman-activity positions. The Ombudsman explained that the proposal to increase the shared-services budget administered by her office reflects the increase over the past four years in the number of independent offices receiving shared services (three to four), staff (57 to 77) and fixed locations (two to five) to which shared services are provided.

The first funding option represents the essential requirements of the office to address immediate needs. It includes a revised base operating budget of $4.671 million (or a 10.8% increase), a revised capital budget of $75,000 and an additional five FTEs, including the two new SSPs. The three new FTE positions would enable the Ombudsman's office to expand outreach with under-served groups, to augment the systemic investigation capacity and to expand into the area of early resolution.

Option 2 provides for enhancement of initiatives related to early resolution and intake, outreach and systemic investigations. It requires seven new FTEs (including the two SSPs), a base budget of $4.873 million (or a 15.6 percent increase) and a revised capital budget of $75,000. Option 3 adds a fixed office location in the lower mainland to provide a solid base for outreach and to facilitate the hiring of newer Canadians. It proposes nine new positions (including the two SSPs), a base budget of $5.198 million (or a 23.3% increase), and a revised capital budget of $125,000.

Members' Inquiry

The committee inquiry focused on: the proposal to re-establish the lower mainland office and the range of funding options. Members also asked for clarification on: the percentage allocated for shared services in option 3; STOB 88 (internal recoveries); and the transfer of building occupancy charges to STOB 59 (central management support services) from STOB 75.

Lower Mainland Office

Members questioned whether it was desirable to re-establish an office in the lower mainland, since people in other parts of the province — the north, or the Okanagan, or the Kootenays — are required to contact the Victoria office to access services, either electronically or by telephone. In response, the Ombudsman explained that the proportion of people who access her office's services is much lower in the lower mainland than other regions. Without a permanent base there, it is difficult to reach out to under-served communities and to hire qualified people that reflect the diversity of the population, since they are reluctant to move to Victoria.

In a series of follow-up questions, committee members asked the Ombudsman whether her office provides brochures in different languages and whether she has considered using virtual offices. They learned that the office produces multilingual brochures and that telecommuting already happens in both Vancouver and Victoria. Clarification was also sought on the estimated cost of the new office, identified as $350,000 in funding option 3. The Committee learned that this figure includes two extra FTEs and $50,000 in capital expenditures.

Funding Options

Members also raised the prospect of a fourth funding option — namely, a status quo budget — and asked the Ombudsman to outline the implications of this option for the operation of her office. She explained that this option would mean fewer systemic investigations, delays in completing investigations, and less outreach that would result in pressures for special-purpose ombudsmen.

Conclusions and Recommendations

After careful consideration of the three funding options presented by the Ombudsman, the Committee has concluded that an increase of almost 11 percent in the base operating budget proposed in option 1 is adequate to enable the office to carry out its duties. We are not convinced that there is a compelling case to approve the additional Ombudsman-activity positions proposed in options 2 and 3, or to sanction re-establishing an office in the lower mainland at this time.

The Committee recommends that:

- **the annual appropriation for the Office of the Ombudsman be increased to $4,671,000 in each of the next three fiscal years;**
- **the Office receive $75,000 for capital expenditures in each of the next three fiscal years.**

OFFICE OF THE POLICE COMPLAINT COMMISSIONER

"If the budget request for 2008/09 is granted, I anticipate having to seek two less positions in future budget submissions made after implementation of the Wood report."
(Dirk Ryneveld, QC, Police Complaint Commissioner)

BACKGROUND

Established in 1998, the independent Office of the Police Complaint Commissioner (OPCC) deals primarily with complaints against municipal police departments. Vote 8 of the annual *Estimates* provides for the salaries, benefits and expenses of the Commissioner and his staff of 7 FTEs. Last year, the Finance Committee recommended that the office's operating budget be $1.532 million in each of the next three fiscal years, and that its annual capital budget continue to be $25,000.

COMMITTEE REVIEW

On November 29, 2007, the Finance Committee met to review the OPCC budget submission for the next three fiscal years. Representing the Office were the province's Police Complaint Commissioner, Dirk Ryneveld, QC and Lanny Hubbard, Director of Corporate Services.

The Police Complaint Commissioner began his presentation by informing the Committee that the long-awaited report on the municipal police complaints process by Josiah Wood, QC was released in February 2007. He anticipated that the workload of his office will double, if and when the report's recommendations are implemented. The recommendations include: changing the post-facto oversight model to contemporaneous oversight, whereby his office would have access and input into ongoing police investigations of complaints; and accepting all complaints, whether lodged on formal complaint forms or not.

Turning to the current workload, the Commissioner reported that his office is dealing with a steady increase in files each year. These files are also increasingly complex, containing a combination of allegations that require more involvement by staff. The Commissioner then stated that the timeliness of his office's response to files is so unsatisfactory that he has hired another analyst this year out of his existing budget.

Regarding next year's budget, the Commissioner informed the Committee that his office's proposal for an increase of $321,000 (or 21%) includes retaining the analyst hired in this fiscal year, adding an additional analyst and one support staff position. The balance is made up largely of increases in salaries and employee benefits.

MEMBERS' INQUIRY

The committee inquiry focused on the office's involvement with regard to Taser use by police and the potential impact of the Wood report on the office's budget. Members also asked for clarification of the $257,000 increase in salaries (STOB 50), and the feasibility of the OPCC recovering costs from the reviews of complaints it undertakes.

Taser Technology Review

In light of recent media coverage of incidents of Taser use by police, committee members asked the Commissioner for an update on any relevant OPCC investigations. In his response, the Commissioner stated that files related to police use of Tasers were not a "novel proposition" for his office. He then explained that, as a result of one particular case in Vancouver, when an individual died shortly after the Taser was used by a

police officer, the Commissioner had ordered the Victoria Police Department to conduct an external investigation. The result was a 2005 report containing the findings of a review of Taser technology — the first report on this topic produced in Canada.

The Commissioner then informed the Finance Committee that his mandate does not allow him to approve or ban the weapons used by police. Therefore he hoped the guidelines on the use-of-force continuum contained in the 2005 report will be followed by police forces in the interim. He added that he is also hoping to persuade the Chair of the Commission for Public Complaints Against the RCMP to launch a joint study so that appropriate recommendations on Taser use are harmonious for both the RCMP and municipal police in the province.

Police Complaint Process Review

The Committee asked the Police Complaint Commissioner whether his request for a 21-percent increase ($321,000) in the office's budget for 2008/09 means that the OPCC is "gearing up" for implementation of the Wood report. The Commissioner responded that because the "handwriting is on the wall," many municipal police departments in the province have already begun implementing some of the report's recommendations on a voluntary basis. As a result, his office is doing some extra work, like contemporaneous oversight of files, and two new analysts are required for this purpose. The Commissioner then stated that if these additional resources are approved in 2008/09, he anticipated seeking fewer positions when the Wood report is implemented.

Conclusions and Recommendations

The Committee supports the Police Complaint Commissioner's request for additional resources to speed up the processing of files and to deal with complaints in a timely fashion. Our understanding is that the proposed lift of 21 percent also makes provision for some of the additional workload flowing from the implementation of the Wood report recommendations.

The Committee recommends that:

- **the annual appropriation for the operating expense of the Office of the Police Complaint Commissioner be increased to $1,853,000 in each of the next three fiscal years;**
- **the Office of the Police Complaint Commissioner continue to receive an annual capital budget of $25,000 in each of the next three fiscal years.**

OFFICE OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH

> *"My statutory mandate, and the goals articulated in the service plan that was adopted this week, can only be met if there is an increase in the organization's current base budget...in particular, in my staff complement."* (Mary Ellen Turpel-Lafond, Representative for Children and Youth)

BACKGROUND

The new independent Office of the Representative for Children and Youth (ORCY) was established on April 1, 2007 to assist the Representative to carry out her statutory duties specified in the *Representative for Children and Youth Act*. This legislation was enacted in response to the recommendations of the report by E.N. (Ted) Hughes on B.C.'s child protection system.

The appropriation for the office's operating expense and capital expenditures is provided for in Vote 9 of the annual *Estimates*. Last year, the Finance Committee recommended that the base operating budget for the office's first year of operation be $4.815 million and set at $4.77 million for 2008/09 and $4.841 million for 2009/10. It anticipated that the start-up capital budget would be $580,000 in 2007/08 and then decline to $20,000 in each of the next two fiscal years.

COMMITTEE REVIEW

The Finance Committee met twice to review the ORCY budget submission for the next three fiscal years. The first review took place on November 29 and the second on December 14, 2007. Representing the office were Mary Ellen Turpel-Lafond, the province's new Representative for Children and Youth; John Greschner, Deputy Representative; Martin Wright, Deputy Representative, Monitoring; Cory Heavener, who is involved with corporate services; and Tanis McNally-Dawes, A/Manager of Corporate Services.

November 29 Meeting

The Representative for Children and Youth began her presentation by explaining that the office's second budget submission to the Finance Committee – unlike last year's transitional budget – is based on eight months of operational experience. Another advantage is that the office now has a comprehensive three-year service plan that was approved by the Select Standing Committee on Children and Youth on November 26.

The Representative then provided the Committee with a brief overview of the office's activities to date. She reported that since April 1, the focus has been on establishing the infrastructure, operations, policies and practices of the organization so that all mandated functions can be fulfilled. The advocacy function involves engaging in community outreach and providing individual advocacy services to children and youth in care — and in the near future, to a child in the home of a relative. To date, the office has received over 1,000 individual advocacy requests.

Regarding the monitoring function, two reports have been issued: one is a study of the education outcomes of children in care, and the other a progress report on the implementation of the recommendations of the Hughes report. Activities relating to the third core function, review and investigation of critical injuries and deaths of children, include the publication of the first public report on November 7, and involvement with a multidisciplinary team and the children's forum.

Funding Request

The Representative for Children and Youth then requested a budget for 2008/09 in the amount of $6.558 million (or a 36% increase) explaining that to fulfill her statutory mandate, additional staff resources are required across all program areas. The proposed increase of $1.743 million is mainly for 14 new staff positions – four for advocacy, four for investigations, two for knowledge exchange, and four positions to meet the administrative and corporate needs of the organization. The balance is for travel, professional consulting services and other business and office expenses.

Capital funding of $100,000 in 2008/09 would also be required for office space, equipment and furniture to accommodate the additional staff. Currently, the office has 30 FTEs who work in three locations: Vancouver, Victoria and Prince George.

MEMBERS' INQUIRY

The committee inquiry focused on the office's mandate, existing budget and its request for additional resources. Members also asked for clarification on forecasts for STOB 60 (professional services) and STOB 75 (building occupancy charges).

Office Mandate

Child in home of a relative (CIHR) program

Committee members asked the Representative for Children and Youth to clarify whether provision has been made in next year's budget for the proposal to include the CIHR program under her office's mandate. The Representative confirmed that since the office expects to assume formal oversight of the CIHR program as early as December 2007, the budget submission makes provision for the additional responsibilities.

Social workers' complaints

Committee members also inquired if the office has the mandate to deal with social workers' complaints. In response, the Representative explained that the office receives a significant number of referrals from people in both the contracted child and family services sector and the Ministry of Children and Family Development. She emphasized that the office accepts these referrals on behalf of a child, youth or family unable to access a service. Also, as part of her office's monitoring function, front-line offices are visited to see how they operate, and to understand whether social workers feel the system is adequate to meet the needs of the children they serve. The Representative added that, unless a social worker raises a complaint related to a specific file for a child or youth, the office encourages them to address all other concerns within their own organizational structure.

Overlap with Ombudsman office

The Representative was also asked to clarify the advocacy work of the ORCY in relation to the work of the Ombudsman's office. The Representative explained that her office provides advocacy with specific regard to children and youth, while the Ombudsman's office deals with administrative fairness issues arising from its oversight role, which is a different "bailiwick."

Existing Budget

Another theme of the inquiry focused on the absence of clear information regarding the office's existing operating budget of $4.815 million — in particular, on the "actuals" side. Speaking as a former banker, one committee member asked the following types of questions: how much has actually been spent on salaries and

benefits this year to date? How much money is the office likely to return to the provincial treasury at the end of the fiscal year?

The A/Manager of Corporate Services explained that the budget format was originally prepared by the Ministry of Attorney General prior to the establishment of the office. She is tracking actual expenditures on a monthly basis, by the STOB codes, and can forward to the Finance Committee a budget forecast showing the "actuals" and the internal reallocation of expenditures this year.

Additional Resources

Regarding the office's request for additional resources, some committee members queried the need for four administrative positions, which represent about 30 percent of the new staff complement. They suggested that the proposed funding for these positions could be better spent on monitoring, reviews and investigations. In response, the Representative explained that the four advocacy positions, as well as the investigators, all perform a front-line function that needs to be balanced with the administrative support function.

In a follow-up comment, the Representative was asked whether the ORCY might consider a shared-services agreement with another independent office to reduce administrative costs. She reported that her office already shares payroll and other administrative services with Elections BC. However, preserving the confidentiality of death and injury files requires her office to operate separately.

Members also inquired how the office had arrived at the figure for the 14 additional staff positions ($1.176 million). They learned that staff had looked at the type of work required and applied the appropriate salary range, which would be $65,000 to $75,000 for the new front-line positions.

Finally, the Representative was asked about the implications for her office of a status-quo budget. She described the proposed budget as a "Chevy or Buick model" rather than a "Mercedes" and reiterated the need to have additional resources to fulfil her mandate.

At the conclusion of the November 29 meeting, the Committee decided, on division, to recommend that the Representative's office receive a lift of 21 percent (a $1 million increase) in its operating budget for 2008/09. This decision was made public on December 6 and received considerable negative publicity. The Chair subsequently discussed the matter with the Representative who agreed to return to the Committee in hopes of obtaining the full amount requested.

December 14 Meeting

At the outset, the Chair explained that the purpose of the December 14 committee meeting was to give the Representative an opportunity to provide more detail on her office's budget submission for the next fiscal year, and to provide committee members with an opportunity to reconsider her budget request.

The Representative for Children and Youth began her presentation by thanking the Committee for reconvening. She then updated Members on several recent developments that would affect her office's workload. She reported that the necessary enactments to include the child-in-home –of-a-relative program within the mandate of the office have now been made. Also, on December 11, the Select Standing Committee on Children and Youth referred the deaths of eight children to her office for further investigation. As well, in the past two weeks, the office received an additional 325 advocacy requests (for a total of 1,325).

Turning to the questions raised by some committee members at the November 29 meeting, the Representative provided further information pertaining to three items in her office's budget submission for 2008/09 —building occupancy costs (STOB 59); administrative costs; and travel costs (STOB 57).

In response, the Representative was asked to clarify: the 2008/09 forecast for STOB 60 (professional services); the office's program relating to reviews and investigations of critical injuries and deaths; the uptake of the office's advocacy services; the hiring schedule for the additional FTEs proposed in the budget submission; and the proportion of the office's staff recruited from the public service.

The committee review concluded with the Representative reiterating that her original budget proposal represented the best assessment of the additional resources required to satisfy the mandate of her office during the next fiscal year.

Conclusions and Recommendations

The Committee agrees that the work of the Office of the Representative for Children and Youth is enormously important to the people of the province and warrants the requested increase to her office's budget for the next fiscal year.

We also recognize that the budget submission presented by the Representative represents her office's first formal budget request to the Finance Committee, since the proposal we considered a year ago was developed in good faith and, in large part, by the transition team within the Ministry of Attorney General.

The Committee anticipates that the rate of growth in funding for the Office of the Representative for Children and Youth will be reduced considerably over the next three fiscal years as a result of fully implementing the service plan.

Finally, we would like to assure the Representative and the other statutory officers that, although the practice is discouraged, statutory officers may appear before the Committee throughout the year where funding shortfalls are predicted to occur and reasonable efforts have been made to live within the office's budget.

The Committee recommends that:

- **the appropriation for the operating expense of the Office of the Representative for Children and Youth be increased to $6,558,000 in 2008/09;**
- **the Office's annual operating budget be set at $6,689,000 in 2009/10 and $6,832,000 in 2010/11 for financial planning purposes;**
- **the Office receive a capital budget of $100,000 in 2008/09 and then $20,000 in each of the next two fiscal years.**

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